

**Senator Kirk A. Cullimore** proposes the following substitute bill:

**JOINT RESOLUTION TO AMEND THE RULES OF CIVIL  
PROCEDURE ON DISQUALIFICATION OF A JUDGE**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kirk A. Cullimore**

House Sponsor: Michael K. McKell

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**LONG TITLE**

**General Description:**

This joint resolution amends the Utah Rules of Civil Procedure, Rule 63, regarding the disqualification of a judge.

**Highlighted Provisions:**

This resolution:

- ▶ amends the Utah Rules of Civil Procedure, Rule 63, on disqualifying a judge without cause and for cause; and
- ▶ makes technical and conforming changes.

**Special Clauses:**

**§→ [None] This resolution provides a special effective date. ←§**

**Utah Rules of Civil Procedure Affected:**

AMENDS:

**Rule 63**, Utah Rules of Civil Procedure

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*Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each of the two houses voting in favor thereof:*

As provided in Utah Constitution Article VIII, Section 4, the Legislature may amend

**2nd Sub. S.J.R. 5**



119 Assignment in justice court cases will be in accordance with Utah Code of Judicial  
120 Administration Rule 9-109.

121 ~~(c)(3)~~ (b)(3)(C) In determining issues of fact or of law, the reviewing judge may  
122 consider any part of the record of the action and may request of the judge who is the subject of  
123 the motion an affidavit or declaration responding to questions posed by the reviewing judge.

124 ~~(c)(4)~~ (b)(3)(D) The reviewing judge may deny a motion not filed in a timely  
125 manner.

125a **§→ Section 2. Effective date. ←§**

125b **§→ This resolution takes effect upon approval by a two-thirds vote of all members elected**  
125c **to each house. ←§**